

Draft Meeting Notes
LCR MSCP Steering Committee April 27, 2016
McCarran Airport

Attending

Perri Benemelis	Vikki Dee Bradshaw	Colby Pellegrino	Gil Cristobal
Gregg Garnett	Chris Harris	Chris Hayes	Mike Hulin
Matt Jeppson	Chris Cantrell	Jimmy Knowles	Bill Lamb
Mike Martinez	Kara Mathews	Jennifer McCloskey	Terry Murphy
Jessica Neuwerth	Wade Nobel	Peggy Roefer	Johanna Ray
Carolyn Ronning	Laura Simonek	Jon Sjoberg	Sarah Price
John Swett	Laura Vecerina	Dave Vigil	Doyle Wilson

Attending Via Conference Call

Scott Bryan	Don Gross	Jess Gwinn	Maureen George
Ned Hyduke	Stevie Sharp		

ADMINISTRATIVE MATTERS

Introductions

The meeting convened at 9:30 a.m. by Chris Harris. There were self-introductions of all attending.

Review of Agenda

The agenda was reviewed and a request was made for an update on the Northern Mexican Gartersnake. The agenda was then approved.

Public Comments

No public comments were offered.

Approve October 28, 2015 Meeting Notes

The October 28, 2015 meeting notes were approved. (Moved by Perri Benemelis, seconded by Jon Sjoberg and adopted by consensus.)

Election of Chair and Vice Chair

Chris Harris stated that he was willing to serve an additional term as Chair and Perri Benemelis was willing to serve as Vic Chair of the Steering Committee. Chris Harris was elected as Chair and Perri Benemelis was elected as Vice Chair. (Moved by Wade Noble, seconded by Jon Soberg, and approved by consensus).

FMA MINOR MODIFICATION

John Swett reviewed Program Decision Document 16-001. He noted that under the Hoover Power Allocation Act of 2011, new Hoover Dam power contractors are required to pay their proportionate share of the LCR MSCP costs. The act also allowed tribes to become Hoover Dam power contractors. Since use of Hoover Dam power is a covered activity under the LCR MSCP, negotiations have been ongoing to develop a certificate of inclusion for those tribes who would like ESA coverage. If the Tribal contractor's receive a Certificate of Inclusion, they become a permittee to the program and can apply for membership on the Steering Committee. The current language in the Funding and Management Agreement (FMA) requires all permittees that have covered activities within a state to be members of the State Participant Groups. The proposed minor modification to the FMA would clarify that all permittees, except Native American tribes, would be included in the State Participant groups and Native American tribes who are permittees would be added as members of the Native American Participant Group. (Moved by Doyle Wilson, seconded by Bill Lamb, and approved by consensus).

WORK PLAN AND BUDGET

FY15 Accomplishment: John Swett provided an overview of FY15 accomplishments. He noted that the required program for FY15 was \$37,399,320. Reclamation proposed, and the Steering Committee approved a budget of \$34,801,732, which was less than required. This was due to federal budget constraints and Reclamation used funding credits to meet the federal cost-share. Actual LCR MSCP accomplishment in FY15 consisted of obligations of \$26,628,171 and a \$6,100,000 contribution to the Land and Water Fund. Obligations were under the approved Work Tasks by \$2,023,561 due to species research being consolidated and funding planned for the Laguna Division Conservation Area being obligated in FY14. John noted that \$5,480,049 had been contributed to the Habitat Maintenance Funds, bringing the cumulative total to \$34,179,143 and that \$1,562,029 had been contributed to the Remedial Measures Funds bring the cumulative total to \$3,313,880. The cumulative total for the Land and Water Fund is \$19,600,000. The group managers each presented highlights from their FY15 program (see the power point presentation posted with the meeting materials)

Proposed FY17 Program: John Swett indicated that based on a preliminary inflation rate of 1.393 the minimum required program funding for FY17 was \$30,874,452. He noted that Reclamation was proposing a program of \$30,940,902 which consists of \$28,840,902 in work tasks and a \$2,100,000 contribution to the Land and Water Fund.

Draft FY17 Work Plan and Budget Review Schedule: John noted that the Work Group meeting to review the Draft Implementation Report, Fiscal Year 2017 Work Plan and Budget, Fiscal Year 2015

Accomplishment Report was scheduled for May 11-12 in Phoenix. Written comments should be sent to Laura Vecerina by May 6th. He noted that the Final Report will be posted to the website by June 15th.

PROGRAM UPDATES

Planet Ranch: Terry Murphy reviewed the plans for the Planet Ranch Conservation Area. He noted that the MSCP paid for the lease and the property was donated to Arizona Game and Fish Commission (AGFC) in December 2015. The first step will be to irrigate 1,142 acres of pasture to use the full amount of the water rights by December 15, 2016. He noted that the western portion of the property would be used for LCR MSCP purposes. Restoration plans call for the development of off-channel backwaters, as well as riparian establishment. The eastern portion of the property would be managed by AGFC. Terry noted that design and compliance work would be completed in FY17 and that construction would take place FY18 – FY20.

During the discussion on Planet Ranch Chris Cantrell from AGFD said that he had been asked to bring up concerns raised by the public over access to the property. He noted that it was AGFD's intent, based on the lease, that the property would be opened to the public for wildlife and recreation purposes. John Swett indicated that because of concerns over the need to maintain irrigation this year and safety during construction that the conservation area would need to have limited or closed access over the next few years. Chris noted that the amendment to the Lease, which further clarifies roles between the LCR MSCP and AGFD, was on the agenda for approval at the Arizona Game and Fish Commission meeting scheduled for the following week. Steering Committee members felt that the approval of the lease modification should be postponed so that Steering Committee members could attend. It was agreed that Chris Harris, as Chair of the Steering Committee would send a letter to Larry Voyles, Director of AGFD, requesting that the approval of the Lease Amendment be delayed so that LCR MSCP Steering Committee members could be present to share concerns over the access issues. A number of Steering Committee members also asked to review the lease amendment before it is signed. Laura Vecerina indicated that she would send it out for review.

New Conservation Areas: Terry Murphy provided an update on new conservation areas that are included in the Draft FY17 Work Plan. Terry noted that appraisals were done and negotiations occurred for some of the property surrounding the California Department of Fish and Wildlife property for the PVER South Conservation area. Agreement could not be reached so the amount of acreage of the conservation area will be less than anticipated. For Parker Dam Camp, Terry noted that the original plan had been to construct off-stream backwaters, but honey mesquite is becoming established on the property and has matured to be classified as a land cover type. Three Fingers Lake is an existing backwater that will be developed as a marsh and backwater complex with 12 acres of open backwater and 12 acres of disconnected backwater.

Impact of Recent Fires along River: Terry Murphy noted that there had been two fires along the lower Colorado River this year. In March 2016, 20 acres in Phase 1 at CVCA were burned. It was a typical riparian fire, not hot, and Terry anticipated that the coyote willow that had burned would reestablish. Therefore there is not a need to replant. A suggestion was made to track how the area responds. In April 2016, a fire that burned over 2,200 acres near the Mohave Valley Conservation Area

resulted in 100 acres burning at the conservation site. Since this was in an area that was targeted for renovation, there was not an impact.

Northern Mexican Gartersnake: John Swett indicated that he would be talking with the Service next week about the gartersnake. An analysis is being conducted, to determine the impacted acreage, using the same methodology that was used in the HCP. John did not feel that any additional mitigation acreage would be needed to include the gartersnake as a covered species. He said that the focus is on Reach 3, but that Reach 4 and 5 will also be evaluated.

STEERING COMMITTEE SCHEDULE

Laura Vecerina noted that the Work Group meeting to review the Draft Implementation Report, Fiscal Year 2017 Work Plan and Budget, Fiscal Year 2015 Accomplishment Report was scheduled for May 11-12 in Phoenix. The meeting will be held at the Arizona Department of Water Resources. A Steering Committee Conference call is schedule for June 22nd.

GENERAL

Petition to delist the Southwestern Willow Flycatcher: Jess Gwinn stated that on August 19, 2015, the USFWS received a petition to delist the southwestern willow flycatcher from Pacific Legal Foundation. Pacific Legal Foundation's argument was that the southwestern willow flycatcher should be delisted because it is not a valid subspecies. In March, the Service issued a 90 finding that delisting may be warranted. The Service in California is currently in the process of evaluating information to determine whether it is a valid subspecies or not. There have been papers published rebutting the arguments made by Pacific Legal Fund. Their initial target date for a decision is August 2016.

Policy Regarding Implementation of Section 4(b)(2) of the ESA: This section of the ESA allows for exclusion of areas from critical habitat designation. Jess Guinn stated that on February 11, 2016, the Service published a final policy, which put into writing the process they had been following for excluding areas with a functioning Habitat Conservation Plan from critical habitat designation. This policy was used when the Service excluded the LCR MSCP planning area from critical habitat designation for the southwestern willow flycatcher.

SUMMARY AND ACTION ITEMS

Program Decision Document 16-001 was approved. Chris Harris as Chair of the Steering Committee will send a letter requesting postponement of approval of the Planet Ranch Lease Amendment by the Arizona Game and Fish Commission.

ADJOURN

The meeting was adjourned 11:55 a.m.